

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Xiu Li Berding,	:	Case No. 1:22-cv-48
	:	
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	Magistrate Judge Karen L. Litkovitz
	:	
SECRETARY, DEPARTMENT OF	:	Order Adopting Report and
HOMELAND SECURITY, et al.,	:	Recommendation
	:	
Defendants.	:	

The Court has reviewed the Report and Recommendation (“R&R”) of United States Magistrate Judge Karen L. Litkovitz filed on October 6, 2022. (Doc. 10.) Magistrate Judge Litkovitz recommended the Complaint (Doc. 1) be dismissed for want of prosecution. Defendants, Alejandro Mayorkas, Secretary, Department of Homeland Security, Merrick Garland, Attorney General of the United States, and Kirt Thompson, Director of the USCIS Texas Service Center, filed a Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim on May 9, 2022. (Doc. 7.) Plaintiff, Xiu Li Berding, never responded to the motion. On October 25, 2022, Magistrate Judge Litkovitz issued an Order to Show Cause within 15 days as to why the case should not be dismissed for lack of prosecution. (Doc. 9.) Plaintiff failed to show cause within 15 days, and in fact never filed anything further in this case after the Complaint. As a result, Magistrate Judge Litkovitz issued a Report and Recommendation recommending that the Complaint be dismissed with prejudice for want of prosecution. (Doc. 10.) Plaintiff has been given more than enough time to file any response whatsoever to either the Motion to Dismiss or the Order to Show Cause. Consequently, the Court agrees with Magistrate Judge Litkovitz that dismissal of this action is appropriate.

No objections to the Report and Recommendation have been filed and the time to do so has expired. Accordingly, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation. Plaintiff's case is **DISMISSED**.

IT IS SO ORDERED.

S/Susan J. Dlott
Judge Susan J. Dlott
United States District Court